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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,605	10/30/2003	Niranjan Damera-Venkata	200314247-1	9630

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EXAMINER

ABDULSELAM, ABBAS I

ART UNIT PAPER NUMBER

2629

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,605	DAMERA-VENKATA, NIRANJAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Abbas I. Abdulsalam	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12/28/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,13,14,20,22,24,25 and 30 is/are rejected.
- 7) ☒ Claim(s) 2,6-12,15-19,21,23 and 26-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/27/04, 2/13/04, 10/30/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 3-5, 13-14, 20, 22, 24-25 and 30 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 8-9, 19, 20-22, 28 and 37, of U.S. Patent No. 7109981 in view of Grand-Clemnet (USPN 6121725).

Claim 1 of the present application is mostly met by claim 1 of the patent (USPN 7109981). However, Claim 1 of the patent does not teach receiving image data for the image on a diamond grid such that each the first and second sub-frames are generated on a diamond ring.

Grand-Clement on the other hand teaches a display being performed by sub frames associated with each color, wherein operations are performed for each color grids (15, 16, 17).

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Brand-Clemet further teaches that the shape and diameter of holes of additional grids as well as the respective potentials of activation and inhibition of the additional grids will be chosen to optimize the focusing toward the corresponding sub pixels (col. 6, lines 42-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 1 of Damera-venkata's patent to include Grand-Clement's use of grids with desirable shapes because the use of grids (14, 15, 16) helps function a flat color display system as taught by grand-Clement.

Claim 13 of the present application is mostly met by claim 19 of the patent (USPN 7109981). However, Claim 13 of the patent does not teach receiving image data for the image on a diamond grid such that each the first and second sub-frames are generated on a diamond ring.

Grand-Clement on the other hand teaches a display being performed by sub frames associated with each color, wherein operations are performed for each color grids (15, 16, 17). Brand-Clemet further teaches that the shape and diameter of holes of additional grids as well as the respective potentials of activation and inhibition of the additional grids will be chosen to optimize the focusing toward the corresponding sub pixels (col. 6, lines 42-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 13 of Damera-venkata's patent to include Grand-Clements's use of grids with desirable shapes because the use of grids (14, 15, 16) helps function a flat color display system as taught by grand-Clement.

Claim 24 of the present application is mostly met by claim 28 of the patent (USPN 7109981). However, Claim 28 of the patent does not teach means for receiving a first resolution on a diamond grid with each low-resolution sub-frame being generated on a diamond grid.

Grand-Clement on the other hand teaches a display being performed by sub frames associated with each color, wherein operations are performed for each color grids (15, 16, 17). Brand-Clemet further teaches that the shape and diameter of holes of additional grids as well as the respective potentials of activation and inhibition of the additional grids will be chosen to optimize the focusing toward the corresponding sub pixels (col. 6, lines 42-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 28 of Damera-venkata's patent to include Grand-Clements's use of grids with desirable shapes because the use of grids (14, 15, 16) helps function a flat color display system as taught by grand-Clement.

Claim 30 of the present application is mostly met by claim 37 of the patent (USPN 7109981). However, Claim 30 of the patent does not teach receiving a first high-resolution image on a diamond grid such that the first plurality of low resolution sub-frames are being generated on a diamond grid

Grand-Clement on the other hand teaches a display being performed by sub frames associated with each color, wherein operations are performed for each color grids (15, 16, 17). Brand-Clemet further teaches that the shape and diameter of holes of additional grids as well as

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the respective potentials of activation and inhibition of the additional grids will be chosen to optimize the focusing toward the corresponding sub pixels (col. 6, lines 42-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 30 of Damera-venkata's patent to include Grand-Clements's use of grids with desirable shapes because the use of grids (14, 15, 16) helps function a flat color display system as taught by grand-Clement.

Claim 3 of the present application is met by claim 1 of the patent.

Claim 4 of the present application is met by claim 1 of the patent.

Claim 5 of the present application is met by claims 8-9 of the patent.

Claim 14 of the present application is met by claims 19 of the patent.

Claim 20 of the present application is met by claims 19 of the patent.

Claim 21 of the present application is met by claims 22 of the patent.

Claim 22 of the present application is met by claims 21 of the patent.

Claim 24 of the present application is met by claims 20 of the patent.

### ***Allowable Subject Matter***

3. Claims 2, 6, 7-12, 15-19, 21,23 and 26-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulsalam whose telephone number is 571-272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas Abdulsalam

Examiner

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10/17/06

  
